

HOUSE No. 1361

By Mrs. Paulsen of Belmont, petition of Anne M. Paulsen and others relative to protecting the historic and scenic roadways, parkways and boulevards under the control of the Department of Conservation and Recreation. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

Anne M. Paulsen	Michael E. Festa
Paul J. Donato	Timothy J. Toomey, Jr.
Douglas W. Petersen	Jarrett T. Barrios
Frank I. Smizik	Michael F. Rush
Ruth B. Balser	Kevin G. Honan
Carl M. Sciortino, Jr.	Richard T. Moore
J. James Marzilli, Jr.	Byron Rushing
Martha M. Walz	Stephen Kulik
Richard R. Tisei	Patricia D. Jehlen
Kay Khan	Karen E. Spilka
Christopher G. Fallon	Alice K. Wolf
Angelo M. Scaccia	

In the Year Two Thousand and Five.

AN ACT TO PROTECT THE HISTORIC AND SCENIC ROADWAYS, PARKWAYS AND BOULEVARDS OF MASSACHUSETTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 92 of the General Laws, as appearing in the 2002 Offi-
- 2 cial Edition, is hereby amended by adding after section 35A a new
- 3 section, 35B:—
- 4 Section 35B.
- 5 (a) No alteration in physical configuration, change in opera-
- 6 tions, grant of easement, sale, transfer or agreement which would

7 affect the design intent or historic character of any parkway, park
8 road, boulevard or bridge under the jurisdiction of the Department
9 of Conservation and Recreation shall be permitted, including but
10 not limited to, new permanent signage, lighting, traffic signals,
11 relocation of access, widening, paving, grading, or construction of
12 berms or curbs, until such time as the Department shall adopt
13 binding preservation treatment guidelines consistent with Chapter
14 288 of the Acts of 1894 and MGL. Chapter 92 Section 35 as
15 amended 2004. The commissioner of the Department Of Conser-
16 vation and Recreation shall seek and consider public input in the
17 development of the preservation treatment guidelines, and shall
18 make draft guidelines available for a public review and comment
19 period through notice in the Environmental Monitor. Within thirty
20 days of the adoption of such guidelines, as amended from time to
21 time, the commissioner shall file a copy of such plans as adopted
22 by the Parkways Oversight Committee [as established in (c)
23 below] with the state secretary and the joint committee on natural
24 resources and agriculture of the general court.

25 (b) Any alteration in physical configuration, change in opera-
26 tions, grant of easement, sale, transfer or agreement regarding any
27 parkway, park road, boulevard or bridge under the jurisdiction of
28 the Department of Conservation and Recreation, including but not
29 limited to, new permanent signage, lighting, traffic signals, relo-
30 cation of access, widening, paving, grading, or construction of
31 berms or curbs initiated prior to enactment of the preservation
32 treatment guidelines shall be carried out consistent with glc
33 amendments Ch. 92, section 35 stipulating that the division and
34 department shall preserve and protect the scenic and historic
35 integrity of its roadways and boulevards.

36 (c) The Commissioner shall appoint a seven member Parkways
37 Oversight Committee for interpretation and implementation of
38 preservation treatment guidelines. The Committee shall consist of
39 one representative each from the following agencies: the Depart-
40 ment of Conservation and Recreation, the Massachusetts Histor-
41 ical Commission, and the Massachusetts Highway Department.
42 For the remaining four members, the commissioner shall request
43 each of the boards of trustees or directors of the Massachusetts
44 Audubon Society, the Massachusetts Chapter of the Sierra Club,
45 Friends of the Middlesex Fells, the Charles River Conservancy,

46 the Charles River Watershed Association, and the Esplanade
47 Association, the Environmental League of Massachusetts and the
48 Emerald Necklace Conservancy to nominate two candidates. From
49 the nominations received from the boards of these organizations,
50 the Commissioner shall appoint four members to serve on the
51 committee, with two candidates to serve at large, one candidate to
52 represent the geographic jurisdiction of the Division of Urban
53 Parks and Recreation, and one candidate to represent the geo-
54 graphic jurisdiction of the Division of State Parks and Recreation.

55 (d) The prohibitions in this section shall not apply to routine
56 maintenance and repair of a parkway, park road, boulevard or
57 bridge, including relocated curb cuts, construction of utilities and
58 infrastructure repair and replacement, as authorized by grant of a
59 permit. Prohibitions shall not apply to land abutting a boulevard
60 or parkway under the division's care and control and for which a
61 special permit has been granted.